

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRENDA LEE ESTERLY,

Plaintiff,

Case No. 2:22-cv-53

vs.

SEERA CORPORATION;
UNITED PACIFIC STORE 23560
and UNITED PACIFIC OIL,

Defendants.

COMPLAINT IN CIVIL ACTION

Plaintiff, Brenda Lee Esterly, by and through her attorneys, Ronald J. Bua, Esquire and Ronald J. Bua & Associates, and files the foregoing Complaint in Civil Action averring as follows:

Statement of Jurisdiction

This Honorable District Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332 as this is filed as a civil action which there is a complete diversity of citizenship between Plaintiff and the Defendants and in which the amount in controversy exceeds \$75,000 exclusive of interest and costs.

Complaint

1. Plaintiff is Brenda Lee Esterly, an adult individual who currently resides at 425 Spring Avenue, Apartment 8, Ellwood City, Pennsylvania 16117.
2. Defendant SEERA Corporation, is a State of Washington for profit business with a principal office address of 331 West First Street, Port Angeles, Washington 98362.
3. Defendant United Pacific Store 23560 is a gasoline station with a principal place of business located at 331 West First Street, Port Angeles, Washington 98362. On information and belief, SEERA Corporation is a franchisee owner of the United Pacific store.

4. Defendant United Pacific Oil is an independent owner and operator of United Pacific gas stations with a corporate office located at 4130 Cover Street, Long Beach, California 90808.

5. The events described hereinafter occurred on January 27, 2020, on which date Plaintiff was a business invitee at the United Pacific Store 23560 located at 331 West First Street, Port Angeles, Washington 98362.

6. Defendant SEERA Corporation is the owner of the property located at 331 West First Street, Port Angeles Washington 98362.

7. As Plaintiff began her purchase of gasoline at the United Pacific Store 23560, she stepped out of her vehicle and was caused to slip, fall and/or otherwise lose her balance in the parking lot of Defendant's store as a direct result of a defective condition in the parking lot.

8. Plaintiff fell because of uneven concrete in the gas pump parking area, which created a dangerous, hazardous and unsafe condition for business invitees, such as the Plaintiff.

9. As a direct and proximate result of the aforementioned accident, Plaintiff sustained the following injuries, some of which are or may be permanent in nature:

- a) Right ankle and left leg injury;
- b) Right pelvic injury;
- c) Lower back injury;
- d) Upper back injury;
- e) Neck injury;
- f) Headaches;
- g) Psychological damages;
- h) Head injury

- i) Bruises, contusions, abrasions, large lacerations and ligamental straining and tearing throughout his limbs and body;
- j) Damage to the muscles, tendons, joints and bones;
- k) Possible other serious and/or permanent injuries; and
- l) General loss of vitality and good health.

10. As a direct and proximate result of the aforementioned accident, Plaintiff sustained the following damages, some or all of which are or may be permanent or on-going:

- a) She has endured and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish, monetary expenditures for the care of her injury and emotional and psychological trauma;
- b) She has and will in the future be required to spend great sums of money for medical attention, hospital care, medicines, drugs and other medical appliances and treatment;
- c) She maybe in the future, be required to undergo surgical intervention for her injuries; and
- d) She has been deprived of enjoying the ordinary pleasures of life, and prevented from performing his usual and customary duties.

COUNT I
Plaintiff v. Defendants
Negligence

12. The Plaintiff incorporates the preceding paragraphs as though the same were fully set forth herein at length.

13. At all times, the defendant knew or should have known of the dangerous, hazardous and unsafe condition that existed on the premises.

14. The Defendants failed to take the appropriate, reasonable, and necessary actions to eliminate the condition and/or warn customers, including the Plaintiff of the dangerous, hazardous and unsafe condition.

15. Defendants negligent and careless conduct was a substantial factor in causing the Plaintiff to sustain injuries and damages and said negligence is herein more fully described as follows:

- a) Causing the dangerous, hazardous and unsafe condition to exist on the premises;
- b) In failing to provide a safe premises;
- c) In maintaining the premises in such a manner that customers, including plaintiff, were at risk for injury;
- d) In failing to warn customers, including plaintiff, regarding the dangerous, hazardous and unsafe condition;
- e) In failing to eliminate the dangerous, hazardous and unsafe condition from the premises;
- f) In failing to timely inspect the premises for the dangerous, hazardous and unsafe condition; and
- g) In failing to ensure the safety of the customer.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendants in an amount in excess of \$75,000. A Jury Trial is Demanded.

Respectfully submitted,

s/Ronald J. Bua, Esquire

Ronald J. Bua, Esquire
Attorney for Plaintiff

Ronald J. Bua & Associates
The Grant Building, Suite 2330
310 Grant Street
Pittsburgh, Pennsylvania 15219
Telephone: 412-471-4244
Facsimile: 412-391-6344
ronaldbua@cs.com